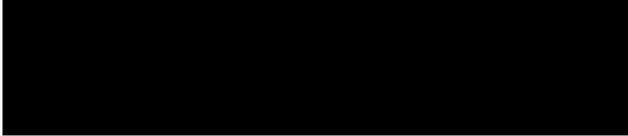


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FILE:



Office: ISLAMABAD, PAKISTAN

Date: **SEP 21 2007**

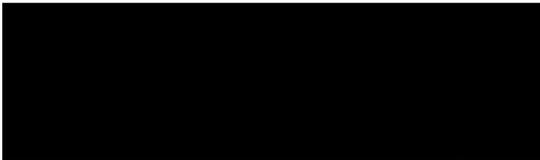
IN RE:

Applicant:



APPLICATION: Application for Waiver of Grounds of Inadmissibility under Section 212(i) of the Immigration and Nationality Act, 8 U.S.C. § 1182(i).

ON BEHALF OF APPLICANT:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

A handwritten signature in cursive script, appearing to read "Robert P. Wiemann".

Robert P. Wiemann, Chief  
Administrative Appeals Office

**DISCUSSION:** The application was denied by the Officer in Charge, Islamabad, Pakistan. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed and the application will be denied.

The applicant is a native and citizen of Pakistan who was found to be inadmissible to the United States pursuant to section 212(a)(6)(C)(i) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1182(a)(6)(C)(i). The applicant seeks a waiver of his ground of inadmissibility pursuant to section 212(i) of the Act, 8 U.S.C. § 1182(i).

The officer in charge found the applicant had failed to establish that a qualifying family member would suffer extreme hardship if the applicant were refused admission into the United States. The applicant's Form I-601, Application for Waiver of Grounds of Inadmissibility (Form I-601 Application) was denied accordingly.

On appeal the applicant indicates, through counsel, that the officer in charge failed to properly review and weigh the evidence of hardship submitted in his case, and that the evidence establishes that his wife will suffer extreme financial and emotional hardship if he is denied admission into the United States.

Section 212(a)(6)(C)(i) of the Act provides, in pertinent part, that:

Any alien who, by fraud or willfully misrepresenting a material fact, seeks to procure (or has sought to procure or has procured) a visa, other documentation, or admission into the United States or other benefit provided under this Act is inadmissible.

The record reflects that in 2001, the applicant submitted a fraudulent passport to consular officials in an attempt to procure a visa into the United States. The applicant is therefore inadmissible under section 212(a)(6)(C)(i) of the Act.

Section 212(i) of the Act provides in pertinent part that:

(1) The Attorney General [now Secretary, Department of Homeland Security, "Secretary"] may, in the discretion of the Attorney General [Secretary], waive the application of clause (i) of subsection (a)(6)(C) in the case of an alien who is the spouse, son or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if it is established to the satisfaction of the Attorney General [Secretary] that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse or parent of such an alien.

The applicant's wife is a naturalized U.S. citizen. She is thus a qualifying relative for section 212(i) of the Act purposes. It is noted that U.S. citizen and lawful permanent resident children are not included as qualifying relatives for section 212(i) of the Act purposes. Accordingly, hardship to the applicant's U.S. citizen children may only be taken into account insofar as it contributes directly to hardship suffered by the applicant's wife.

In *Matter of Cervantes-Gonzalez*, 22 I&N Dec. 560, 565-66 (BIA 1999), the Board of Immigration Appeals (Board) provided a list of factors it deemed relevant in determining whether an alien had established extreme hardship. The factors included the presence of a lawful permanent resident or United States citizen spouse or

parent in this country; the qualifying relative's family ties outside the United States; the conditions in the country or countries to which the qualifying relative would relocate and the extent of the qualifying relative's ties in such countries; the financial impact of departure from this country; and significant conditions of health, particularly when tied to an unavailability of suitable medical care in the country to which the qualifying relative would relocate. The Board held in *Matter of Ige*, 20 I&N Dec. 880, 882, (BIA 1994), that, "relevant [hardship] factors, though not extreme in themselves, must be considered in the aggregate in determining whether extreme hardship exists."

"Extreme hardship" has been defined as hardship that is unusual or beyond that which would normally be expected upon deportation. See *Perez v. INS*, 96 F.3d 390 (9<sup>th</sup> Cir. 1996.) U.S. court decisions have repeatedly held that the common results of deportation (removal) or exclusion (inadmissibility) are insufficient to prove extreme hardship. *Id.* See also, *Hassan v. INS*, 927 F.2d 465, 468 (9<sup>th</sup> Cir. 1991.)

The record reflects that the applicant has never been to the United States, and that he married his wife in Pakistan on November 3, 2000. The applicant and his wife have two U.S. citizen daughters, born October 11, 2001 and January 24, 2006. The applicant indicates through counsel that his wife will suffer extreme financial and emotional hardship if he is denied admission into the United States. The record contains the following evidence relating to the applicant's wife's [REDACTED] extreme hardship claim:

An undated letter signed by [REDACTED] stating in pertinent part that she and the applicant were married in Lahore, Pakistan on November 3, 2000, and that they have two U.S. citizen daughters. She states that the applicant is a banker in Pakistan, and that he has worked in a multinational bank for the last seven years. [REDACTED] indicates that her husband is very sorry and ashamed of presenting an altered passport to consular officials, and that she believes he has been sufficiently punished for his mistake. She states that she works two jobs and is raising her two daughters alone in the U.S., without the love and attention of their father. [REDACTED] states that she suffers from Major Depressive Disorder, and she indicates that her eldest daughter is sad because her father is not near her. [REDACTED] indicates further that her youngest daughter had severe bronchiolitis after her birth, and that she has trouble breathing. Ms. [REDACTED] states further that her parents are elderly and suffer from severe medical problems caused by age, and that her father was hospitalized for brain surgery and a heart by pass and is fighting for his life. She states that her parents rely on her, that she also cares for her two sisters and one brother, and that she is responsible for making payments on a house and two cars. Ms. [REDACTED] states that it would be difficult to leave all she has in the United States in order to move to Pakistan. She indicates that she wants her daughters to attend school in the U.S., and she states that she and her daughters are used to the American culture and feel safe and secure in the U.S. She indicates that she and her family do not feel safe in Pakistan because they belong to the Shia Muslim minority, and because there was once a shooting near the neighborhood where her husband lives. [REDACTED] also indicates that she feels her family's safety would be in danger due to the political and economic situation in Pakistan.

A second letter signed by [REDACTED] dated February 13, 2004, indicating in pertinent part that she has had to work two jobs because she lacks financial help from her husband, and that she does not have time or energy to spend time with her daughter. She indicates that it would be impossible to move with her daughter to Pakistan because her parents and three siblings live lawfully in the United States, and she has a very strong relationship with her family, especially

her mother. [REDACTED] additionally states that it is impossible for her to choose to either stay with her family in the U.S. or to be with her husband in Pakistan, and she states that she feels a deep pain that will only be cured if her husband is able to provide family, emotional and financial support to her in the U.S.

A May 26, 2004 letter signed by [REDACTED]'s parents, stating that [REDACTED] has been their comfort and support in their old age. They state that [REDACTED] supports them financially, and that they reside in [REDACTED] house because they are unable to afford their own housing. The letter indicates that [REDACTED] parents experience medical problems and that [REDACTED] helps them with daily tasks and needs, and takes them to the hospital, and to get their medication. They state that they would be devastated if [REDACTED] had to move to Pakistan, and that they would lose their home, care and support.

Documentation reflecting that: 1) the applicant's married brother, [REDACTED], born 6/18/81, became a naturalized U.S. citizen on June 20, 2003; 2) the applicant's sister, [REDACTED] born 3/1/84, became a naturalized U.S. citizen on November 20, 2002, and that she is single; 3) the applicant's sister, [REDACTED], born 7/31/85 is a lawful permanent resident; and 4) the applicant's sister, [REDACTED], born 2/27/87 is a lawful permanent resident.

Home mortgage information reflecting that [REDACTED] name is listed as the mortgage holder for her home on [REDACTED] in San Bernadino, California.

Car loan information reflecting that [REDACTED] are the loan holders and that they reside at the same address on [REDACTED] in San Bernardino, California.

Documentation reflecting that the applicant's daughter, Saira, born in California on January 24, 2006, was admitted into the hospital for seven days between February 10, 2006 and February 17, 2006, with a diagnosis of bronchiolitis. Discharge, February 21, 2006, and March 7, 2006, medical records reflect that Saira's condition stabilized upon her discharge and that her bronchiolitis improved and was ultimately resolved.

Medical documentation reflecting that [REDACTED]'s father (born September 5, 1950) obtained an angiogram in May 2003, that he was determined to be in medically good condition in October 2003, and that he was seen for shortness of breath in January 2004.

Medical documentation reflecting that between July 2000 and March 2004, the applicant's mother (born January 1, 1960) sought medical treatment, and was treated for temporary ailments including, allergies, back pain, mild cardiomegaly, migraine headaches, bronchitis, and abdominal pain.

A January 27, 2005, psychological evaluation by [REDACTED] based on an interview conducted with [REDACTED] on January 27, 2005, and a review of background information submitted by [REDACTED]. The evaluation reflects the diagnosis that [REDACTED] is suffering from Major Depressive Disorder, Single Episode, Moderate, due to her separation from her husband. The evaluation reflects further [REDACTED] concern about Ms.

ability to contain her depression and frustration if she is not reunited with her husband in the United States.

A May 15, 2006, letter signed by [REDACTED], Licensed Clinical Social Worker (L.C.S.W.), of The Center for Family Living, reflecting that [REDACTED] and her elder daughter [REDACTED] (born October 11, 2001) began bi-weekly psychotherapy treatment at the center on March 23, 2006. The LCSW states that [REDACTED] moved back to the U.S. from Pakistan in December 2005, and that [REDACTED] is having separation/anxiety issues due to her separation from her father. As treatment, the LCSW recommends that [REDACTED] reassure her daughter of her love by playing and spending time with her, and that [REDACTED] reinforce verbal expression in her daughter. The LCSW notes in a two-sentence statement that "[i]t has also been an emotional hardship for [REDACTED] Mother is raising her two children alone, as a single parent." The LCSW does not discuss a diagnosis or treatment for [REDACTED]

A copy of the 2003 Department of State, Country Reports on Human Rights Practices for Pakistan.

[REDACTED] June 1998, high school diploma and her May 2000, Junior College Associate of Arts degree.

Employment letters reflecting that [REDACTED] 1) worked as a math tutor at the San Bernadino Valley College math department for about two months in Fall 2000; 2) began working at Jack in the Box in April 1998, that she is a team leader, and that as of January 21, 2002 (the date of the letter), she was on maternity leave.

The AAO has reviewed the totality of the evidence contained in the record. The AAO finds that the evidence in the record fails to establish that the applicant's wife will suffer financial and emotional hardship beyond that commonly associated with removal if the applicant is denied admission into the United States.

The evidence fails to establish that [REDACTED] suffers from uncontrollable depression or anger due to her separation from her husband. The January 2005, psychological evaluation submitted by the applicant fails to demonstrate that [REDACTED] was treated for depression or anger issues by [REDACTED] before, or after her January 27, 2005 interview. Furthermore, the May 2006, LCSW letter refers only vaguely and briefly to [REDACTED]'s emotional hardship in having to raise two children alone. The LCSW letter does not reflect that [REDACTED] suffers extreme hardship due to her daughter [REDACTED] separation anxiety. Moreover, the LCSW does not discuss a diagnosis for [REDACTED] emotional condition, nor does the LCSW indicate that [REDACTED] is receiving psychological treatment.

The medical evidence for [REDACTED]'s daughter, [REDACTED] reflects that [REDACTED] was successfully treated for bronchiolitis, and the evidence in the record fails to establish that [REDACTED] has needed further treatment for the condition, or that she suffers from any serious medical condition. The medical evidence relating to Ms. [REDACTED] parents' conditions also fails to establish that they suffer from serious or life-threatening ailments, or that [REDACTED] is a caretaker for either of her parents. In addition, the evidence in the record indicates that at least one of the applicant's married siblings lives at the applicant's house and shares in paying her car loan payments, and the evidence fails to establish that [REDACTED]'s other adult-aged siblings are dependent on her, or that they would be unable to care for their parents.

The financial and employment evidence contained in the record is vague and fails to clearly establish what [REDACTED]'s expenses are, how much money she earns, the amount of time she spends working, or even that she currently works. It is further noted that the U.S. Supreme Court held in *INS v. Jong Ha Wang*, 450 U.S. 139 (1981), that the mere showing of economic detriment to qualifying family members is insufficient to warrant a finding of extreme hardship.

The AAO finds that the record also lacks evidence to establish that [REDACTED] would suffer extreme hardship if she moved with her family to Pakistan. The applicant failed to specify any provisions contained in the Department of State, Pakistan country condition report to demonstrate that [REDACTED] would face danger in Pakistan due to her Shia religion. Moreover, an AAO review of the Department of State information revealed no statements to corroborate [REDACTED]'s claims. The AAO notes further that Ms. [REDACTED] lived in Pakistan until 1996, and that she has lived in Pakistan with her husband on various occasions since her marriage in 2000. The record contains no evidence that [REDACTED] experienced problems or faced direct danger while living in Pakistan.

As previously noted, the record also lacks evidence to establish that [REDACTED]'s parents or siblings rely on her assistance, and the Board held in *Matter of Pilch*, 21 I&N Dec. 627 (BIA 1996), that emotional hardship caused by severing family and community ties is a common result of deportation. Hardships involving a lower standard of living, difficulties of readjustment to a different culture and environment and reduced job opportunities, have also been found not to rise to the level of extreme hardship. *See Ramirez-Durazo v. INS*, 794 F.2d 491, 498 (9<sup>th</sup> Cir. 1986.) Moreover, the present record reflects that [REDACTED] is familiar with the language, culture and environment in Pakistan, as she is originally from Pakistan, and she lived there until 1996, and again on various occasions after marrying her husband in 2000.

Section 291 of the Act, 8 U.S.C. § 1361, provides that the burden of proof is on the applicant to establish eligibility for the benefit sought. In the present matter, the applicant has failed to establish that his wife will suffer extreme hardship if he is denied admission into the United States. The appeal will therefore be dismissed, and the application will be denied.

**ORDER:** The appeal is dismissed. The application is denied.